

## BISBEE DAILY REVIEW

"All the News That's Fit to Print."

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## NEWSPAPERS AND COURT TRIALS.

The filing of affidavits in a murder case in Tombstone this week asking for a change of venue from this county because the newspapers of the county had, by publishing articles concerning the crime, created such a prejudice against the defendant that it would be impossible for him to secure a fair and impartial trial, will attract attention among the newspapers and cause them to wonder just how they would be proscribed in their utterances were it not for the provision in the Constitution guaranteeing the liberty of the press.

The fact that the press of Cochise county has adopted the policy of condemning crime and commending the right is the best guarantee that justice will eventually sit undisturbed and prevail in the courts. It is not strange that criminals should wince under such a newspaper policy, but it is the cause for wonder that attorneys would try to turn such a condition into an excuse for setting their clients free.

Newspapers are expected to give the public the facts concerning a crime when it is committed, and it is the undisputed right to comment on these facts and draw its own conclusion. It is not expected that the press will, when a red-handed murderer is committed, begin a campaign of defense for the criminal. On the other hand, it is the duty of the press to work hand in hand with the officials whose duty it is to ferret out the crime and fix the responsibility. In the past many criminals would have gone unwhipped of justice had not newspaper reporters first discovered and published facts which fastened upon them unmistakable guilt.

Notwithstanding the attempt to abridge the rights of the press in its demand for the punishment of criminals in this county, it is to be hoped that no paper is in such weak hands as will submit to the evident attempt to intimidate and compel silence where there should be the plainest denunciation. When a juror goes on a case he is sworn to try the case according to the evidence and the instructions of the court, as presented to him in his capacity as juror, and there is no danger to be apprehended from an honest jury because of what has appeared in the newspapers concerning the case on trial.

In recent years there has been almost universal denunciation by the press of the country of the bold robbery being perpetrated by the trusts of the country on the people. According to the contentions of the affidavit gang in Cochise county a trust brought to trial for its crimes against the laws and the people should not be tried in this country because of the prejudice built up against it by the press.

If there is war on the trusts of the country now it is because the newspapers have been industrious in making public the unlawful practices. The same may be said along the whole category of crime. It is the press which exposes crime and although officials are sometimes slow in following the lead of the press in the punishment of the guilty, persistence on the part of the newspapers will in the end force an application of the law's punishment.

If a lawyer presents false affidavits to a court for the purpose of deceiving the court and shielding a criminal a newspaper has a right to point to that fact, and in doing so is justified by all who desire an exposure of falsehood and the punishment of the guilty.

General Stossel saved his bacon at Port Arthur by surrendering to the Japanese, but now it seems that for not allowing himself to be killed by the Japs he is to be executed by the Russians. A like fate has been pronounced by the court martial against the rear admiral who surrendered his vessels in the fight of the Sea of Japan. Russia continues to attract attention, both in war and peace.

One way to make people believe in you is to pretend to believe in them.

Joint statehood, so far as New Mexico and Arizona are concerned, is not among the remote possibilities of the present year.

It would appear, therefore, that those who are spending money to punish trusts would better subserve the public good by spending that money to secure a reform in our tariff laws.

The way to punish the trusts and put them out of business is to revise the tariff and take away from them the right under the form of law, as well as the power, to rob the American people.

It is reported on good authority that the republicans of Cochise county are grooming "Biddy" Doyle as a candidate for sheriff this fall. It will be amusing to see what the outlying precincts will do to "Biddy." That it will be a plenty there is not the shadow of a doubt.

The trusts may be convicted in our courts, but that is very doubtful, not because the courts are corrupt or corruptible, but because the trusts are able to employ the greatest legal talent to appear for them, and because, further, there is not a law upon the statute books inimical to the trusts that has not in it loopholes through which they can escape the penalties for violated law.

Texas and all the other states may bring all the suits that their ablest lawyers may be able to work up under any and all the laws that have ever been enacted against any and every trust in the catalogue of tariff-licensed highway robbers, but no permanent or real reform or relief will be secured for the very clear reason that it is a fact that no evil shall have been eradicated, say the El Paso Times.

Whatever the result of the statehood bill, it should not prevent all political parties in Arizona from condemning the proposition to make one state of Arizona and New Mexico at their conventions this fall. Further those who have favored the wiping out of Arizona and joining it to New Mexico should not be allowed to sit in any convention, much less to receive a nomination on any ticket. The joint statehood splitters should be made to train by themselves this fall.

President Roosevelt is reported to be whetting up his snickersee for the impending battle in the Senate over the character of the Panama canal. He is bitterly opposed to the sea level plan, and declares that the adoption of the report of the Senate committee will throw the entire canal proposition into chaos and probably result in its delay for twenty-five years. If the Senate can handle the president as easily on the canal controversy as it did on the railroad bill, the prospects for an interesting scrap are not very good.

It would be easier for Oklahoma in her statehood fight were the outlook brighter for republican success in the congressional elections this fall. Word comes from Washington that "Uncle Joe" Cannon is laying awake nights trying to figure a republican majority in the next Congress, without arriving at a satisfactory conclusion. The five new members from Oklahoma will not be taken into account until the speaker can count a safe majority for the republicans in which they deal a percentage sufficient to more than reimburse them, the result being, as usual, that the people will foot the bill.

would submit the question of "gambing or no gambing" in that city to a vote of the people. Up to the present time no such election has been ordered, and the gamblers are losing no sleep over what the republicans are going to do to them.

Never judge a man's honesty by the umbrella he carries.

## POLLEY ROBBED

House Entered and Watch and Pendant Taken — Boy Is Suspected of Theft.

CIRCUMSTANCES POINT STRONGLY.

Thomas McGraw, 8-Year-Old Youngster, Found at Scene Immediately After Robbery Was Discovered.

While Mr. and Mrs. J. P. Polley were sending a part of the day away from their home last Sunday, their house was entered and a gold watch and pendant, valued highly as keepsakes, were taken. Thomas McGraw, an 8-year-old boy who resides in Upper Tombstone canyon, is charged with the offense.

The Polleys live in what is known as Laughlin Avenue, a side canyon, branching from the main canyon near the Dreyer residence.

Mrs. Polley returned from a visit with neighbors last Sunday afternoon, and found the McGraw boy on the porch of her home. She thought nothing of the matter until entering the house and discovered that her watch, a ladies' Elgin, and a gold pendant were missing. She immediately questioned the McGraw boy, who could give no satisfactory explanation of his presence about the premises at the time.

The matter was allowed to drop for the time being until Mr. Polley could be notified. Upon that gentleman's return he was told of the matter, and went at once to the McGraw home, where he met with no encouragement.

At first young McGraw would not admit taking the jewelry, but later confessed that he took the articles from a chiffonier, later placing them under the bureau in his own home. When, a few moments after he went to take them to a better place of safety, he could not find them. No amount of questioning on the part of Polley or Judge McDonald, yesterday, could elicit anything further tending to throw light on the present whereabouts of the Polley property.

Yesterday an informal examination was made of the McGraws by Justice McDonald. Constant interference on the part of the mother of the boy caused suspicion to revert to her, and Polley stated last night that he felt that the articles would finally be found on her person or in her possession.

The confession of the boy and the subsequent mystery surrounding the loss of the stolen articles makes the case a most complicated one, and it is the belief of those most interested that the mother of the boy knows more than she is willing to tell or even allow the boy to tell.

She put up in the defense of her tale that she fears the anger of her husband should the theft come to his knowledge. Unless the jewelry is returned this morning, it is the intention of Polley to push the case to an issue and punish some one for the theft.

NAVAL OFFICERS LEFT BEDS TO AID 'FRISCO SUFFERERS.

WASHINGTON, May 25.—The Navy Department is in receipt of further evidence of the heroic conduct of the personnel of that branch of the service when earthquake and fire overtook San Francisco.

This came in the shape of a report from the United States Navy Hospital at Mare Island, giving the names of three officers who were patients and who volunteered for duty when disaster overtook the Golden Gate City. These officers were Ensign R. C. Davis, Lieutenant A. Stokes, Marine Corps, and Lieutenant F. A. Udell, Marine Corps.

Rear Admiral McCalla, commandant of the Mare Island Navy Yard, in forwarding their names to the department says:

"These officers are, in the opinion of the commandant, to be commended for their zeal and for the fact that, notwithstanding they are in the naval hospital, they applied for or continued on duty after the earthquake and subsequent fire in San Francisco."

Lieutenant Stokes, it was shown, continued on duty as the main gate daily as officer of the guard, while Ensign Davis and Lieutenant Udell were directed by the commandant, in conformity with their request, to proceed to San Francisco and report for duty.

When the emergency was over these two officers returned to Mare Island and re-entered the hospital.

PENDING JAPANESE TARIFF AFFECTS AMERICAN FLOUR

WASHINGTON, May 25.—Consul General Henry B. Miller, of Yokohama, has furnished a report to the Bureau of Manufacturers on a tariff bill pending before the Parliament of Japan, which measure has been passed, with slight modifications, at the present session. The first and foremost plan of Japan is shown by this bill to be the building up of the country as a manufacturing and commercial port.

Coal is placed on the free list, as well as ships' stores transferred in harbors. Japan prepares for retaliatory tariffs against countries discriminating against her vessels and products, and proposes also to prevent importations of bounty-made products of other countries.

The raised tariff on wheat flour to 75 cents per 133 pounds will make this food too expensive for the masses, and reduce the consumption of American flour. The wheat rate is to lay the great wheat supply of Manchuria and Mongolia, using Japanese mills.

Our idea of a poor housekeeper is a woman who runs the house on business principles.

## DUFFTON'S ESCAPE

Tucson Officer Came Near Getting Stiff Sentence and Fine.

M'DONALD TOOK HIM FOR WRONG MAN.

Thought He Was Individual Who Had Been Getting Gay, and But for Snodgrass He Would Have Been Severe.

It was by the merest chance that Constable Duffton of Tucson, escaped a time sentence on the Bisbee chain gang and a stiff fine in Justice McDonald's court while in Bisbee a few days ago to take charge of two prisoners.

It was Marshal Hank Snodgrass, a shiner, and well known in Tucson, who came to the rescue of the Tucson officer and saved him from the wrath of the Bisbee dispenser of justice.

It must not be inferred that Justice McDonald had it in for the Tucson officer. He did not. He merely mistook Constable Duffton for a Bisbee man who had been getting unusually fresh with the court and who was booked to draw a juicy sentence.

Constable Duffton came to Bisbee after two people who are wanted in Tucson for petty larceny. He had previously wired Bisbee and had them rested by the local officers. He returned with the prisoners.

The first man the Tucson officer met was Marshal Hank Snodgrass. After the usual Bisbee greeting, Marshal Snodgrass invited Duffton to visit Justice McDonald's court.

"I have a bunch of disorderlies over in court, and after they have been attended to, I will introduce you to the judge, who is a fine fellow," remarked the Bisbee marshal.

The two officers proceeded to the courtroom. The bunch of jags were just being brought up before Justice McDonald, who after deliberately adjusting his glasses, looked them over carefully.

"Sit down there," remarked Marshal Snodgrass to Constable Duffton in the Bisbee tone, which is several degrees sharper than the Tucson normal voice. The Tucson officer sat down—in the prisoners' row. The jags were quickly disposed of.

Then Justice McDonald looked over his spectacles. His countenance was stern and severe. He contemplated the Tucson officer for a minute.

"You come out," the justice finally remarked. "You are charged with—"

The justice never completed the sentence.

Marshal Snodgrass jumped up. "Your honor, this is not a prisoner. He is a Tucson officer here after two offenders. Allow me to present Constable Jack Duffton."

The court looked nonplused for a minute. Then he said: "The court is in error—in grievous error, and for this mistake the court fines himself the usual honorarium of thirty days in the chain gang. The fine is paid."

And it was Justice McDonald en route with the two officers to the ice cream emporium, confessed that he had mistaken Constable Duffton and expected to impose a fine of \$50 and a sentence of thirty days in the chain gang.

He had thought the officer a local man who had been getting unusually gay with the court.

DAVID IN COURT SAID HE WOULD THRASH GOLIATH.

NEW YORK, May 25.—"Judge," said Chas. Fogarty, of No. 112 West One Hundred and Twenty-fourth street, to Magistrate Cornell, in the West Side Court, "do I get a chance to say anything?"

"Certainly," said the Magistrate. "Well, then, when I get out I'm going to lick that man, and lick him good."

Fogarty stands 4 feet 6 inches in his stockings. The man he said he would lick was Hyland H. Blanchard, of No. 208 West Eighty-third street, who measured 6 feet and has the shoulders of a giant.

Fogarty expects to marry Blanchard's sister-in-law. The two men had a quarrel last night, and Blanchard caused Fogarty's arrest on a charge of disorderly conduct.

Magistrate Cornell, despite Fogarty's threat, thought Blanchard could take care of himself, and discharged the prisoner.

AMBASSADOR TOWER INTERVIEW WITH THE SULTAN

BERLIN, May 25.—Dr. Charlemagne Tower, United States Ambassador to Germany, and Mrs. Tower have returned from a tour in Southern Europe. While at Constantinople Mr. and Mrs. Tower were received in audience by the Sultan, who conversed with them with extreme cordiality for a considerable time.

The decision of the New York authorities to prohibit the bands on German ships from performing for remuneration in New York while the boats are in harbor has caused great dissatisfaction, as the bands of the Hamburg-American and North German Lloyds have largely augmented their income by this means.

Threats are made that, in consequence, musical passengers on those lines will either have to pay more for their music in future, or fare worse than they have hitherto.

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The announcement that the champion typewriter—and she is a woman, of course—has typed 4,627 words in thirty minutes, or an average of 154 words a minute, leads to wonder as to what she could do by word of mouth.—Barre (Vt.) Times.

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